IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 15259 of 2005(N)

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OS.1729/2003 of PRL.M.C.,TRIVANDRUM

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PETITIONER:

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RAJAN, SON OF RAVEENDRAN,
MELEVILAKATHU VEEDU, NEERAZHI LANE,
ULLOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.V.SURESH
SRI.G.SUDHEER

RESPONDENTS:

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1. DR. P.K.PEETHAMBARAN,
VARRA-16, CHAITHANYA, ULLOOR JUNCTION,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

2. CITY CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON,SC,TVM CORPN.
SRI.V.CHITAMBARESH FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15259 of 2005(N)

APPENDIX

PETITIONER'S EXHBITS:

EXT.P1: COPY OF THE PLAINT AS O.S.NO.1729/2003 FILED BY THE OPETITIONER BEFORE THE MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P2: COPY OF IMPLEADING PETITION IN O.S.NO.1729/2003 FILED BY DR.P.K.PEETHAMBARAN DTD.30.7.2004.

EXT.P3: COPY OF COUNTER AFFIDAVIT FILED BY R.RAJAN IN O.S.NO.1729/2003 BEFORE THE MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P4: COPY OF THE ORDER DTD. 16.2.2005 IN I.A.NO.7172/04 IN O.S.NO.1729/03 OF THE PRINCIPAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P5: COPY OF THE COMMON JUDGMENT DTD. 23.7.2004 IN O.S.NO.1579/2000 AND O.S.1582/2000 OF THE 1ST ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.

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RESPONDENT'S EXHIBITS: NIL.

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// TRUE COPY//

**PIUS C. KURIAKOSE,J.**

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W.P.(C) No.15259 of 2005

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Dated: 24th July, 2007

**JUDGMENT**

Ext.P4 order by which the learned Munsiff allowed an application for impleadment filed by the owner-landlord of the building in question presently under the occupation of the petitioner is under challenge. The submissions of Mr.G.Sudheer, counsel for the petitioner notwithstanding, I am unable to agree that Ext.P4 is vitiated to the extent of warranting correction by this court under its visitorial jurisdiction. It cannot be said that the landlord of the building is not even a proper party to the litigation. The challenge against Ext.P4 fails and the Writ Petition is dismissed.

srd **PIUS C.KURIAKOSE, JUDGE**